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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/653,974	09/04/2003	Jun Miyamura	US01-03004	4473
21254	7590	06/16/2006	EXAMINER	
MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC 8321 OLD COURTHOUSE ROAD SUITE 200 VIENNA, VA 22182-3817			CHAN, RICHARD	
			ART UNIT	PAPER NUMBER
			2618	

DATE MAILED: 06/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/653,974	MIYAMURA, JUN	
	Examiner	Art Unit	
	Richard Chan	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2006.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3,7-9 and 13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,7-9 and 13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☒ Certified copies of the priority documents have been received in Application No. 10/653,974.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claim 13 is rejected under 35 U.S.C. 102(e) as being anticipated by Eguchi (US 6,266,519).

With respect to claim 13, Eguchi discloses a setting changing method of preset stations, in memory 21, within a receiving apparatus Fig.2, comprising: storing a plurality preset stations (col.6 lines 48-56); detecting a receiving state of each of the plurality of preset stations stored in said storing (Col.7 lines 7-27); and changing the preset stations stored in said storing if it is detected on the basis of a detection result in said detecting that the receiving states of all of said preset stations deteriorated (Col.7 lines 27-52), wherein said changing of said preset stations is performed even when said receiving apparatus is in a nonuse mode, and when the receiving apparatus is made operative, the preset stations stored in said storing in the nonuse mode are used as preset stations in an operative mode of the receiving apparatus.

***Claim Rejections - 35 USC § 103***

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3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eguchi (US 6,266,519) in view of Nee (US 2003/0013425).

With respect to claim 1, Eguchi discloses a receiving apparatus comprising: a tuner unit 2 for generating a receiving state signal indicative of a receiving state of a radio wave from antenna 1; a memory device 21 for storing a plurality of preset stations; and a control apparatus 100 and 5 for changing said preset stations (Col. 6 lines 10-19), wherein said control apparatus 100 and 5 discriminates deterioration of a receiving state of each of said preset stations on the basis of said receiving state signal (Col. 7 lines 18), and wherein said control apparatus changes the preset stations stored in said memory device (Col.7 lines 1-7) and when the changing process of preset stations being performed even when receiving said receiving apparatus is in a nonuse mode, and when the receiving apparatus is made operative, the preset stations stored in said memory device in the nonuse mode are used as preset stations in an operative mode of the receiving apparatus. The term "non-use" mode is interpreted as when the user is not listening to radio, either when the volume is turned down or if the user is not presently within listening distance to the radio.

However, Euguchi does not disclose wherein the receiving apparatus determines that the receiving states of all of said preset stations deteriorated, but only of individual preset stations.

The Nee reference however discloses wherein all preset stations 138 are changed upon entering a new geographical zone that is detected by the GPS system 310. [0052,0053]

It would have been obvious to one skilled in the art to combine the change all of the preset stations of a radio tuner disclosed by Nee, wherein entering a new geographical area, which would also mean that the preset stations received signals would have deteriorated because of the distance traveled from their original transmission stations to the receiver disclosed Euguchi in order to allow all the preset stations to be changed when traveling to a location where there is no reception signal for any of the preset stations.

With respect to claim 2, Euguchi discloses an apparatus according to claim 1, wherein when said preset stations are changed, said control apparatus 100 and 5 allows said tuner unit to receive radio waves at antenna 1 from a plurality of stations existing in a predetermined band, selects the stations whose receiving states are good on the basis of said receiving state signal, and allows them to be stored into said memory device. (Col.7 lines 1-19)

It would have been obvious to one skilled in the art to implement the control apparatus of Eguchi to receive radio waves from a plurality of stations from an

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existing predetermined band, whose receiving states are on the good basis because it will allow the tuner to be able to determine which signals should be assigned a preset station location on the receiver system of Eguchi and Nee combined.

With respect to claim 7, Eguchi discloses a receiving apparatus comprising: tuner means 2 for generating a receiving state signal at the input of antenna 1, indicative of a receiving state of a radio wave; storing means 21 for storing a plurality of preset stations; and control means 100 for changing said preset stations, wherein said control means discriminates deterioration of a receiving state of each of said preset stations on the basis of said receiving state signal, and said control means changes the preset stations stored in said storing means (Col. 7 lines 1-18), the changing process of said preset stations being performed even when said receiving apparatus is in a nonuse mode, and when the receiving apparatus is made operative, the preset stations stored in said storing means in the nonuse mode are used as preset stations in an operative mode of the receiving apparatus.

However, Euguchi does not disclose wherein it is determined that the receiving states of all of said preset stations deteriorated.

The Nee reference however discloses wherein all preset stations 138 are changed upon entering a new geographical zone that is detected by the GPS system 310, by changing geographical locations, the distance and distortion level between the receiver and the previously local radio transmitters have been increased. [0052,0053]

It would have been obvious to one skilled in the art to combine the change all of the preset stations of a radio tuner disclosed by Nee, wherein entering a new geographical area, which would also mean that the preset stations received signals would have deteriorated because of the distance traveled away from the previously local transmitter stations to the receiver disclosed by Eguchi in order to allow all the preset stations to be changed when traveling to a location where there are no reception signals for any of the preset stations.

With respect to claim 8, Eguchi discloses an apparatus according to claim 7, wherein when said preset stations located in memory 21 are changed, said control means 100 and 5, allow said tuner means 2 to receive radio waves from a plurality of stations existing in a predetermined band, selects the stations whose receiving states are good on the basis of said receiving state signal, and allows them to be stored into said storing means. (Col.7 lines 1-19)

It would have been obvious to one skilled in the art to implement the control apparatus of Eguchi to receive radio waves from a plurality of stations from an existing predetermined band, whose receiving states are on the good basis because it will allow the tuner to be able to determine which signals should be assigned a preset station location on the receiver system of Eguchi and Nee combined.

The Eguchi and Nee references are analogous art because they both deal with preset settings for a radio receiver that changes its location and strives to detect better radio signals.

5. Claim 3 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Euguchi (US 6,266,519) and Nee (US 2003/0013425) in view of Owens (US 2002/0084910).

With respect to claims 3, Eguchi and Nee combined does not disclose an apparatus according to claim 2, wherein when the station having a good receiving state cannot be selected, said control apparatus maintains the preset stations stored in said memory device.

The Owens reference however discloses a receiver with a preset station option that only can be changed by manually setting each preset station by hand, and not by detecting a strong signal. Therefore, even if the radio receiver detects a good receiving state, it will maintain the preset stations stored in said memory device. [0038]

It would have been obvious to combine the receiver preset technique disclosed by Owens with the receiver of Euguchi and Nee combined to be able to maintain your preset station preference without the receiver automatically changing the preset stations without the user's consent.

With respect to claim 9, Euguchi and Nee combined does not disclose an apparatus according to claim 8, wherein when the station whose receiving state is good cannot be selected, said control means maintains the preset stations stored in said storing means.



The Owens reference however discloses a receiver with a preset station option that only can be changed by manually setting each preset station by hand, and not by detecting a strong signal. Therefore, even if the radio receiver detects a good receiving state, it will maintain the preset stations stored in said memory device. [0038]

It would have been obvious to combine the receiver preset technique disclosed by Owens with the receiver of Euguchi and Nee combined to be able to maintain your preset station preference without the receiver automatically changing the preset stations without the user's consent.

The Euguchi, Nee, and Owens references are analogous art because they are all in the field of receivers for RF signals.

### ***Response to Arguments***

6. Applicant's arguments filed 3/31/2006 have been fully considered but they are not persuasive.

With respect to the limitation "nonuse mode", this term can be interpreted broadly to be read on by the Eguchi reference. Nonuse mode is not clearly described with the claims section, and can be read as when the user is not currently using the device. See MPEP chapter 2111.

### ***Conclusion***

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Chan whose telephone number is (571) 272-0570. The examiner can normally be reached on Mon - Fri (9AM - 5PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on (571)272-7882. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Richard Chan  
Art Division 2618  
05/30/06

  
**NAY MAUNG**  
SUPERVISORY PATENT EXAMINER